

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD MUELLER,  
Plaintiff,

v.

SUNBEAN PRODUCTS INC. d/b/a  
PRESTIGE HOME COMFORT/ELITE  
GROUP, INC.,  
Defendant.

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CIVIL ACTION  
NO. 21-898

**ORDER**

**AND NOW**, this **22nd** day of **April, 2021**, it is **ORDERED** that the Partial Motion to Dismiss of Defendant, Sunbeam Products, Inc., d/b/a Prestige Home Comfort/Elite Group, Inc. Pursuant to Fed. Rule Civ. P. 12(b)(6) (ECF No. 2) is **GRANTED without prejudice** and Plaintiff's breach of express warranties claim is **DISMISSED**.

It is further **ORDERED** that Plaintiff may file an amended complaint **on or before May 10, 2021**.

**S/Anita B. Brody**  
ANITA B. BRODY, J.

Copies **VIA ECF** on

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